

REMARKS

In the Office Action of July 16, 2007, the Examiner maintained an objection to the specification with respect to the trademarks, alleging that Applicants did not include appropriate generic descriptions.

Applicants respectfully traverse the Examiner's objection to the specification, as, when reviewed in the context, it is clear what each of the trademark products is. For example, on page twenty-one, SPAN or TWEEN are identified as emulsifiers. Similarly, pBLUESCRIPT® II SK is a vector used as described therein. On page 30, CODONPLUS® RIL is a transformed strain used for expression. Similarly, on page 31 trademarked products that are membranes, transfer cells and the familiar emulsifiers are mentioned as such. Accordingly, the requirement to provide a description of the trademarked product is met.

The Examiner has objected to claim 24 under 35 U.S.C. 112, first paragraph, for lack of enablement.

Although Applicants traverse the Examiner's rejection, as it is believed the claim as written is fully supported, for the purpose of advancing the prosecution of the present application Applicants have amended the claimed diagnostic kit to be directed to detecting antibodies to the lipoprotein having the amino acid sequence of SEQ ID NO:2.

The Examiner has maintained the rejection of claims 24, 29-30 and 33 under 35 U.S.C. 102(b) or, alternatively, under 35 U.S.C. 103(a) over Thomas et al.

For the reasons previously submitted, Applicants traverse the rejection of claims 24, 29-30 and 33 over Thomas et al. However, for the purpose of advancing the prosecution of this application, all claims have been limited to a specific isolated and purified lipoprotein having the amino acid sequence of SEQ ID No:2. Claim 30 has now been canceled. The prior art does not

teach an isolated and purified protein having this sequence. None of the art teaches a particular isolated and purified protein, merely bands, which are multiple proteins, on gels. The presently claimed protein, and immunogenic compositions and diagnostic kits comprising it are not taught in the prior art. The skilled practitioner was not enabled to determine that there existed a single protein having this sequence and could not have determined that from the publication cited.

The rejection of claims 24, 29-30 and 33 under 35 U.S.C. 102(b) or, alternatively, under 35 U.S.C. 103(a) over Chatfield et al. is maintained.

For the same reasons set forth above with respect to Thomas et al., Applicants submit that the present claims are neither anticipated nor obvious in view of Chatfield et al.

Claims 24, 29-30 and 33 stand rejected under 35 U.S.C. 102(b) or, alternatively, 35 U.S.C. 103(a) over Wannemuehler et al. The rejection over Wannemuehler et al. is respectfully traversed for the reasons set forth above. Moreover, it is respectfully submitted that the Examiner's conclusion that a particular band represents an isolated and purified protein is respectfully traversed. It is not apparent that the bands represent individual proteins. Moreover, there is no selection of a particular protein having the sequence of SEQ ID NO:2.

In view of the above, it is believed that claims 24, 29 and 33, all claims presently in the application, are in condition for allowance. Favorable action is solicited.

Should the Examiner consider that a conference would be helpful in advancing the prosecution of this application, he is invited to telephone Applicants' attorney at the number below.

Pursuant to 37 C.F.R. § 1.116, Applicants submit that the amendments presented herein are made to i) cancel claims or comply with any requirement of form expressly set forth in a previous Office action, or ii) present rejected claims in better form for consideration on appeal.

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Response to Office Action of July 16, 2007

Applicants do not believe that any other fee is due in connection with this filing. If, however, Applicants do owe any such fee(s), the Commissioner is hereby authorized to charge the fee(s) to Deposit Account No. 02-2334. In addition, if there is ever any other fee deficiency or overpayment under 37 C.F.R. §1.16 or 1.17 in connection with this patent application, the Commissioner is hereby authorized to charge such deficiency or overpayment to Deposit Account No. 02-2334.

Respectfully submitted,



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